

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 10464 (Application 23196)  
**City of Rio Dell California Municipal Water Corporation**

**ORDER APPROVING CHANGES  
IN POINT OF DIVERSION AND  
AMENDING THE LICENSE**

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SOURCE: Eel River Underflow

COUNTY: Humboldt

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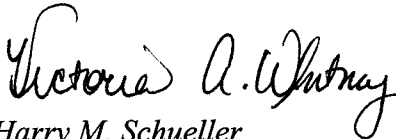
**WHEREAS:**

1. License 10464 was issued pursuant to permitted Application 23196 on April 8, 1975, and was recorded with the County Recorder of Humboldt County on April 16, 1975, in Volume 1283, Page 338. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for License 10464 shows the current holder of the license as the City of Rio Dell California Municipal Water Corporation.
3. A petition to add additional points of diversion was filed with the State Water Resources Control Board (SWRCB) on April 20, 2001, and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on July 6, 2001 and no protests were received.
4. The SWRCB has determined that the license shall be amended to include the following specific corrections or changes:
  - a. The license will include two additional points of diversion along the Eel River.
  - b. The license will include restrictions limiting the total maximum combined diversion rate under License 10464 and any permit issued pursuant to Application 31164 based on flow conditions in the Eel River.
5. The SWRCB standard license terms pertaining to continuing authority, water quality objectives, streambed alteration agreement and protection of endangered species shall be updated or added to the amended license.
6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

**THEREFORE, IT IS ORDERED:**

The attached Amended License10464 is issued, superseding former License 10464 issued on April 8, 1975. The priority of Amended License10464 is December 19, 1968.

STATE WATER RESOURCES CONTROL BOARD

  
for *Harry M. Schueller*  
Chief Deputy Director

**Dated: OCT 29 2003**



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

APPLICATION 23196  
Page 1 of 4

PERMIT 15925

LICENSE 10464

**THIS IS TO CERTIFY, That**

City of Rio Dell  
California Municipal Water Corporation  
675 Wildwood Ave.  
Rio Dell, CA 95562

has the right to the use of the waters of the **Eel River underflow** in **Humboldt County**  
tributary to the **Pacific Ocean**  
for the purpose of **Municipal and Domestic uses.**

**Amended License 10464** supersedes the license originally issued on **April 8, 1975**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 15925**. The priority of this right dates from **December 19, 1968**. Proof of maximum beneficial use of water under this license was made as of **June 10, 1974**.

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **sixty-two hundredths (0.62) cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this license shall not exceed 304 acre-feet per year.**

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINTS OF DIVERSION OF SUCH WATERS ARE LOCATED:**

- 1) By California Coordinate System of 1927, Zone 1, North 436,954 feet and East 1,408,436 feet, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 36, T2N, R1W, HB&M.
- 2) By California Coordinate System of 1927, Zone 1, North 436,842 feet and East 1,408,545 feet, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 36, T2N, R1W, HB&M.
- 3) By California Coordinate System of 1927, Zone 1, North 429,578 feet and East 1,416,603 feet, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 5, T1N, R1E, HB&M
- 4) By California Coordinate System of 1927, Zone 1, North 429,293 feet and East 1,416,346 feet, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 5, T1N, R1E, HB&M

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

Within the service area of the City of Rio Dell, being within Sections 1 and 12, T1N, R1W, HB&M; Sections 5, 6, and 7, T1N, R1E, HB&M; Section 36, T2N, R1W, HB&M; and Sections 31 and 32, T2N, R1E, HB&M, as shown on map dated December 19, 1968, filed with the SWRCB.

The combined maximum diversion under License 10464 (Application 23196) and any Permit issued pursuant to Application 31164 shall not exceed the following:

Previous Day's Eel River Daily Average Flow** (cfs)	Maximum Daily Average Diversion Rate (cfs)
<5.0	0.0
5.0-10.0	0.5
10.1-15.0	1.1
15.1-20.0	1.6
20.1-25.0	2.0
25.1-30.0	2.2
30.1-35.0	2.4
35.1-40.0	2.5
>40.0	2.64

\*\* As determined by the U.S. Geological Survey (USGS)/Department of Water Resources (DWR) stream gauge at Scotia

In the event that the gauge at Scotia is no longer available for streamflow measurements, licensee (or successors-in-interest) is responsible for installing and maintaining an equivalent gauge, satisfactory to the Chief, Division of Water Rights, as near as practicable to the present location of the Scotia gauge. In the absence of such an equivalent gauge, the licensee must submit a plan within 30 days of discontinuation of the Scotia gauge to the Chief, Division of Water Rights, on how the licensee will comply with the measuring and monitoring requirements of this license and shall implement all measures identified in the plan.

Licensee shall maintain diversion records for a minimum of ten years from the date of collection. Such records shall include, at a minimum, the date, the daily average flow in the Eel River at the USGS/DWR gauge at Scotia, the corresponding maximum allowable daily average diversion rate for the following day, and the actual daily average diversion rate. Licensee shall submit a copy of such records for each year to the Chief of the Division of Water Rights as part of the submittal of the triennial report of licensee.

Any non-compliance with this term shall be promptly reported by the licensee to the Chief of the Division of Water Rights.

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*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.*

*This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

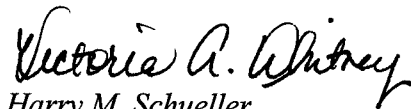
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of

the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD



*Harry M. Schueller*  
*Chief Deputy Director*

**Dated: OCT 29 2003**



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 23196

PERMIT 15925

LICENSE 10464

### THIS IS TO CERTIFY, That

CITY OF RIO DELL CALIFORNIA MUNICIPAL  
WATER CORPORATION  
715 WILDWOOD AVENUE, RIO DELL, CALIFORNIA 95562

HAS made proof as of JUNE 10, 1974 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
EEL RIVER UNDERFLOW IN HUMBOLDT COUNTY

tributary to PACIFIC OCEAN

for the purpose of DOMESTIC AND MUNICIPAL USES  
under Permit 15925 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from DECEMBER 19, 1968 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed SIXTY-TWO HUNDREDTHS (0.62) CUBIC FOOT PER SECOND, TO BE  
DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED  
UNDER THIS LICENSE SHALL NOT EXCEED 304 ACRE-FEET PER YEAR.

### THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) SOUTH 2,200 FEET AND WEST 700 FEET FROM NE CORNER OF SECTION 36, T2N, R1W, HB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 36, AND
- (2) SOUTH 2,250 FEET AND WEST 600 FEET FROM NE CORNER OF SECTION 36, T2N, R1W, HB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 36.

### A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN SERVICE AREA OF CITY OF RIO DELL, BEING WITHIN SECTIONS 1 AND 12, T1N, R1W, HB&M; SECTIONS 5, 6, AND 7, T1N, R1E, HB&M; SECTION 36, T2N, R1W, HB&M; AND SECTIONS 31 AND 32, T2N, R1E, HB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

*All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

1. The purpose of this document is to provide information to the public regarding the activities of the Federal Bureau of Investigation (FBI) in the area of counterterrorism. This document is not intended to be a substitute for the FBI's official policies and procedures, but rather to provide a general overview of the FBI's efforts in this area.

2. The FBI is committed to the protection of the American people from terrorism. To this end, the FBI has established a Counterterrorism Division (CTD) which is responsible for coordinating the FBI's counterterrorism efforts. The CTD is composed of several offices, including the Office of Counterterrorism (OCT), the Office of Intelligence and Information (OI), the Office of Operations (OO), and the Office of Training and Development (OTD).

3. The OCT is responsible for the FBI's overall counterterrorism strategy. It develops and implements the FBI's counterterrorism policies and procedures, and it coordinates the FBI's counterterrorism efforts with other federal, state, and local law enforcement agencies. The OI is responsible for the FBI's intelligence and information efforts. It collects, analyzes, and disseminates information related to terrorism. The OO is responsible for the FBI's operations efforts. It conducts investigations and operations related to terrorism. The OTD is responsible for the FBI's training and development efforts. It develops and implements training and development programs for FBI personnel and for other law enforcement agencies.

4. The FBI's counterterrorism efforts are based on a number of principles. First, the FBI is committed to the protection of the American people from terrorism. Second, the FBI is committed to the rule of law. Third, the FBI is committed to the use of force only when necessary. Fourth, the FBI is committed to the protection of civil liberties. Fifth, the FBI is committed to the use of intelligence and information to support its counterterrorism efforts. Sixth, the FBI is committed to the use of operations to support its counterterrorism efforts. Seventh, the FBI is committed to the use of training and development to support its counterterrorism efforts. Eighth, the FBI is committed to the use of technology to support its counterterrorism efforts. Ninth, the FBI is committed to the use of international cooperation to support its counterterrorism efforts. Tenth, the FBI is committed to the use of public information to support its counterterrorism efforts.

5. The FBI's counterterrorism efforts are ongoing and evolving. As the threat of terrorism changes, the FBI's counterterrorism efforts must also change. The FBI is committed to staying ahead of the threat of terrorism and to protecting the American people from terrorism.

*The right hereby conferred to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

**Dated:** APR 8 1975

STATE WATER RESOURCES CONTROL BOARD

SECRET//NOFORN//NF  
UNCLASSIFIED//NOFORN

**CONFIDENTIAL**

*H. A. Rosenberg*  
Chief, Division of Water Rights